

Applicants have filed herewith a substitute Figure 12 which includes page 2. Applicants submit that substitute Figure 12 does not contain new matter. It is submitted that the substitute figure is fully supported by the specification and figures as filed, and merely corrects an obvious typographical error in the figure as originally filed which one of skill in the art would recognize the existence of, as well as recognize the appropriate correction for. *See* MPEP § 2163.07 (II).

More particularly, Figure 12 provides a multiple amino acid sequence alignment of known  $\beta$ -Ketoacyl-ACP synthase protein sequences. However, the figure as originally filed was allegedly missing page 2 which depicts the amino acid residues which align with amino acid residues 121-240 of the reference sequence. Nonetheless, as Figure 12 discloses known amino acid sequences of organisms unambiguously identified in the figure and specification as filed, one of skill would clearly recognize that there was an obvious typographical error in original Figure 12.

Once one of skill recognizes this obvious typographical error, it would be well within their ability to obtain the known, unambiguously identified full amino acid sequences to thereby determine the appropriate correction to the figure. As such, it is respectfully submitted that the addition of missing page 2 of Figure 12 is fully supported in the present specification and original figures, and thus does not constitute new matter.<sup>1</sup>

As such, the Examiner is respectfully requested to enter the amendment to Figure 12 and indicate acceptance of substitute Figure 12 enclosed herewith.

### **Conclusion**

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for

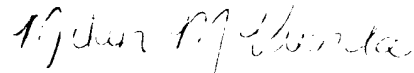
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<sup>1</sup> Applicants also note that the Official Filing Receipt and date-stamped postcard indicate that 113 sheets of drawings were originally filed in the present case, which number corresponds to the total number of sheets of drawings in the present case including the allegedly missing page 2 of Figure 12.

any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Should the Examiner have any questions regarding this application, the Examiner is encouraged to contact Applicants' undersigned representative at (202) 942-5000.

Respectfully submitted,



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DATE: \_\_\_\_\_

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